

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

OBED RAHEEM HOYTE,

Defendant.

)
)
) Case No. 3:93CR00010-001
)

ORDER

)
)
) By: James P. Jones
) United States District Judge
)

For the reasons stated in the accompanying Opinion, it is **ORDERED** as follows:

1. The defendant's pro se motion (ECF No. 402) is CONSTRUED as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255, and the clerk is DIRECTED to redocket the motion as such;
2. The said motion is hereby DENIED without prejudice as successive; and
3. A Certificate of Appealability is DENIED.

ENTER: February 24, 2012

/s/ James P. Jones
United States District Judge